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09/923,618	08/07/2001	Fumitake Yodo		1742

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LERNER, DAVID, LITTENBERG,
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600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

THEIN, MARIA TERESA T

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3627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/923,618
Filing Date: August 07, 2001
Appellant(s): YODO, FUMITAKE

MAILED

AUG 29 2007

GROUP 3600

Bruno Polito
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 8, 2007 appealing from the Office action mailed July 14, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. 5,857,020

Peterson, Jr.
("Peterson '020")

1-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 11 is rejected under 35 U.S.C. §102(e) as being anticipated by Peterson et. al. (U.S. 5,857,020)("Peterson '020"). Peterson '020 discloses in the alternative embodiment shown in figure 3: a terminal device (86, 98 and 70 all shown in figure 3); storing accounting points in a first memory (at 91); storing distributed information (76, 80-85, 78, 79, 93, and 92) distributed from an external source (inherent) and attributes corresponding to the distributed information (initially the content is unavailable); updating the accounting points storing in the first memory of the terminal device and

Art Unit: 3627

updating attributes (the various attributes 76, 80-85, 78, 79, 93, and 92) of the distributed information (making the encrypted information available) when the attributes is stored (e.g. when an ID is added to list 92 making the encrypted content available); when the distributed information is stored (when medium 70 is burned, the secured data 79 is in an unavailable state); when the accounting points (the funds) are updated correctly (decremented) based upon the distributed information (the requested access), the secured content is updated to an available state; carrying out account processing in the accounting center (16) based upon the accounting points transmitted from the terminal device (adding more funds to the secured card 88 through the online access to the authorization center, column 2, ~lines 62-66); when the accounting points are not updated correctly (when the system detects that the user doesn't have enough funds); a request is made at the terminal device to the accounting center for purchasing the accounting points (through the online access to the authorization center, column 2, ~lines 62-66); carrying out another account processing (providing a monthly bill to the consumer showing funds added and funds used); restoring the accounting points in the first memory to an initial value (what ever value is restored is the initial value).

Claim Rejections - 35 USC §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over Peterson '020. It is the Examiner's principle position that the claims are anticipated because the initial value is inherently any value. In other words, whatever value is restored, that value is deemed the initial value.

However if not inherent, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Peterson '020 to include resetting to the initial value. This would occur if the terminal device had a maximum value upon which the user tried to reset the device to. For example, suppose the terminal device had a maximum value of \$100. If the user tried to put in any dollar amount greater than \$100, the terminal device would be reset to the initial value of \$100. Such a modification would have helped track billing errors allowing exact monies and services to be tracked.

(10) Response to Argument

Appellant argues that Peterson '020 does not disclose Phrase No. 5. In particular, appellant states that Peterson '020 "is merely teaching the use an online authorization process, wherein consumer purchases the right view a movie certain fee. There is no transmission of accounting points from the terminal device to the accounting center such system." The Examiner respectfully disagrees.

While the Examiner agrees that the transmission of accounting points is not directly disclosed, the Examiner finds one of ordinary skill in the art would clearly

recognize that this is the preferred method of “adjusting” the amount of prepaid funds 91.

Two Ways of “Adjusting” the Amount of Prepaid Funds

Peterson '020 directly discloses that “the amount of prepaid funds 91 may be adjusted in return for receiving monetary compensation” It is worth noting that Peterson '020 does not ‘replace,’ ‘support,’ ‘surpass,’ or ‘renew’ the amount of prepaid funds but instead uses adjusted.” Adjusted implies to one of ordinary skill in the art that the additional funds 91 the user is purchasing is added or aggregated to any residual funds remaining in the user’s account. Next, the “adjusting” has to occur either at the accounting center or at the terminal device.

If the “adjusting” occurs at the accounting center, the remain prepaid fund must be transmitted to the accounting center so that the user’s residual prepaid funds (e.g. \$.75) may be aggregated to his or her purchased amount. Because Peterson '020 establishes that authorization centers are known in the art, the “adjusting” must occur in the authorization center/accounting center. If this is how the adjusting occurs, it is clear to one of ordinary skill in the art the “account processing” in Phrase No. 6 must also occur.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Marissa Thein

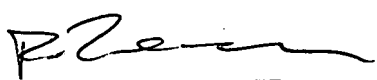


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8/15/07
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SUPERVISORY PATENT EXAMINER